

HOUSE BILL No. 1354

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-13-6-1; IC 5-8-1-19; IC 33-23-1-7; IC 33-33-45.

Synopsis: Election of judges in Lake County. Requires the election of judges in Lake County, and repeals provisions related to the Lake County judicial nominating commission. Continues the current judges in office until the end of the judges' terms.

Effective: July 1, 2005.

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January 13, 2005, read first time and referred to Committee on Elections and Apportionment.

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First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

HOUSE BILL No. 1354

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 3-13-6-1 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) A vacancy that occurs, other
3 than by resignation, in the office of judge of a circuit, superior, probate,
4 or county court shall be certified to the governor by the circuit court
5 clerk of the county in which the judge resided.
6 (b) A vacancy in the office of judge of a circuit court shall be filled
7 by the governor as provided by Article 5, Section 18 of the Constitution
8 of the State of Indiana. The person who is appointed holds the office
9 until:
10 (1) the end of the unexpired term; or
11 (2) a successor is elected at the next general election and
12 qualified;
13 whichever occurs first. The person elected at the general election
14 following an appointment to fill the vacancy, upon being qualified,
15 holds office for the six (6) year term prescribed by Article 7, Section 7
16 of the Constitution of the State of Indiana and until a successor is
17 elected and qualified.



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(c) A vacancy in the office of judge of a superior, probate, or county court shall be filled by the governor subject to the following:

(1) IC 33-33-2-39.

(2) IC 33-33-2-43.

~~(3) IC 33-33-45-38.~~

~~(4)~~ **(3)** IC 33-33-71-40.

The person who is appointed holds office for the remainder of the unexpired term.

SECTION 2. IC 5-8-1-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 19. (a) Under Article 7, Section 13 of the Constitution of the State of Indiana, whenever a circuit, superior, probate, or county court judge or prosecuting attorney has been convicted of corruption or any other high crime, the attorney general shall bring proceedings in the supreme court, on information, in the name of the state, for the removal from office of the judge or prosecuting attorney.

(b) If the judgment is against the defendant, the defendant is removed from office. The governor, the officer, or the entity required to fill a vacancy under IC 3-13-6-2 shall, subject to:

(1) IC 33-33-2-39;

(2) IC 33-33-2-43;

~~(3) IC 33-33-45-38;~~ and

~~(4)~~ **(3)** IC 33-33-71-40;

appoint or select a successor to fill the vacancy in office.

SECTION 3. IC 33-23-1-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. "Judicial nominating commission", except as used in IC 33-33-2 ~~IC 33-33-45~~, and IC 33-33-71, means the commission described in Article 7, Section 9 of the Constitution of the State of Indiana.

SECTION 4. IC 33-33-45-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. **(a)** There is established a superior court in Lake County (referred to as "the court" in this chapter).

(b) The court consists of:

(1) sixteen (16) judges, who shall be elected at the general election every six (6) years in Lake County; and

(2) the Lake County circuit court judge, if the circuit court judge chooses to sit on the superior court of Lake County.

(c) The term of a judge described in subsection (b)(1) begins January 1 following the judge's election and ends December 31 following the election of the judge's successor.

(d) To be eligible to hold office as a judge of the court, a person

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1 must be:

2 (1) a resident of Lake County;

3 (2) less than seventy (70) years of age at the time of taking
4 office; and

5 (3) admitted to the practice of law in Indiana.

6 SECTION 5. THE FOLLOWING ARE REPEALED [EFFECTIVE
7 JULY 1, 2005]: IC 33-33-45-25; IC 33-33-45-26; IC 33-33-45-27;
8 IC 33-33-45-28; IC 33-33-45-29; IC 33-33-45-30; IC 33-33-45-31;
9 IC 33-33-45-32; IC 33-33-45-33; IC 33-33-45-34; IC 33-33-45-35;
10 IC 33-33-45-36; IC 33-33-45-37; IC 33-33-45-38; IC 33-33-45-39;
11 IC 33-33-45-40; IC 33-33-45-41; IC 33-33-45-42; IC 33-33-45-43;
12 IC 33-33-45-44.

13 SECTION 6. [EFFECTIVE JULY 1, 2005] Notwithstanding the
14 amendment and repeal of provisions in IC 33-33-45 by this act, the
15 term of a judge in office in the Lake County superior court on June
16 30, 2005, does not terminate until the date that the term would
17 have terminated under the law in effect on June 30, 2005. The
18 initial election under IC 33-33-45, as amended by this act, to fill a
19 judge's position on the Lake County superior court is the general
20 election immediately preceding the date on which the term of the
21 judge occupying the position on June 30, 2005, would have
22 terminated under the law in effect on June 30, 2005.

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